

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

PIANTE WALLACE,

Petitioner,

v.

WARDEN, WARREN
CORRECTIONAL INSTITUTION,

Respondent.

Case No. 1:19-cv-429
JUDGE DOUGLAS R. COLE
Magistrate Judge Merz

ORDER

This cause comes before the Court on the Magistrate Judge's August 17, 2020, Report and Recommendation ("R&R") (Doc. 11). The Magistrate Judge recommends that the Court **DISMISS** Wallace's Petition for a Writ of Habeas Corpus (Doc. 1) **WITH PREJUDICE**. The R&R advised both parties that a failure to object within the 14 days specified by the R&R may result in forfeiture of rights on appeal, which includes the right to District Court review. (*See* Doc. 11, #286). *See also Thomas v. Arn*, 474 U.S. 140, 152 (1985) ("There is no indication that Congress, in enacting § 636(b)(1)(C), intended to require a district judge to review a magistrate's report to which no objections are filed."); *Berkshire v. Beauvais*, 928 F.3d 520, 530 (6th Cir. 2019) (noting "*fail[ure] to file* an objection to the magistrate judge's R & R ... is forfeiture, not waiver") (emphasis in original); 28 U.S.C. § 636(b)(1)(C). The time for filing objections has passed and none have been filed.

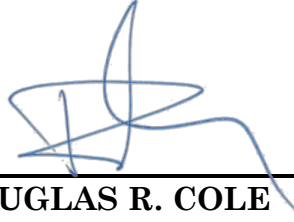
Therefore, the Court **ADOPTS** the Report and Recommendation and **DISMISSES** Wallace's Petition (Doc. 1) **WITH PREJUDICE**. As reasonable jurists

could not disagree with this conclusion, Wallace is denied a certificate of appealability and the Court certifies to the Sixth Circuit that any appeal would be objectively frivolous.

SO ORDERED.

September 16, 2020

DATE



DOUGLAS R. COLE
UNITED STATES DISTRICT JUDGE